



General Assembly

Substitute Bill No. 5760

February Session, 2002

AN ACT CONCERNING CHANGES TO THE JUVENILE JUSTICE SYSTEM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-149c of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2002*):

3 With respect to truancy and other family with service needs cases,
4 the judicial branch shall:

5 (1) Coordinate and develop appropriate programs and services with
6 other state agencies that establish a continuum of services and
7 programs exclusively for youth in crisis and children in families with
8 service needs. Such services and programs shall include, but need not
9 be limited to, mentoring programs, day treatment, community-based
10 mental health interventions, including multisystemic therapy and
11 functional family therapy, emergency shelters and treatment foster
12 care;

13 (2) Establish protocols in cooperation with the Office of Policy and
14 Management, the Department of Children and Families and the
15 Department of Education for referral to community-based intervention
16 programs prior to referral of a case to the superior court for juvenile
17 matters;

18 (3) Develop and use procedures to evaluate the risk and service

19 needs of children whose cases have been referred to the superior court
20 for juvenile matters; [and]

21 (4) Collaborate with community-based programs;

22 (5) Collect and analyze, in conjunction with the Department of
23 Education, data regarding the incidence rate and causes of truancy and
24 develop appropriate intervention services to reduce excessive truancy
25 rates; and

26 (6) Establish, in conjunction with the Department of Education, a
27 pilot mentoring program for truant children in the eighth grade, for
28 the purpose of reducing truancy and school drop-out rates.

29 Sec. 2. Section 51-10c of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective October 1, 2002*):

31 (a) There is established a Commission on Racial and Ethnic
32 Disparity in the Criminal Justice System. The commission shall consist
33 of the Chief Court Administrator, the Chief State's Attorney, the Chief
34 Public Defender, the Commissioner of Public Safety, the Commissioner
35 of Correction, the Commissioner of Children and Families, the Child
36 Advocate, the Victim Advocate, the chairperson of the Board of Parole,
37 the chairperson of the African-American Affairs Commission, the
38 chairperson of the Latino and Puerto Rican Affairs Commission, or
39 their designees, a representative of municipal police chiefs, a
40 representative of a coalition representing police and correctional
41 officers, six members, including representatives from children's
42 advocacy organizations, social services organizations and minority
43 youth organizations, appointed one each by the president pro tempore
44 of the Senate, the speaker of the House of Representatives, the majority
45 leader of the Senate, the majority leader of the House of
46 Representatives, the minority leader of the Senate and the minority
47 leader of the House of Representatives, and two members appointed
48 by the Governor. The Chief Court Administrator or said
49 administrator's designee shall serve as chairperson of the commission.
50 The commission shall meet at such times as it deems necessary.

51 (b) The commission shall:

52 (1) Develop and recommend policies for reducing the number of
53 African-Americans and Latinos comprising the pretrial and sentenced
54 population of correctional facilities and reducing the number of
55 African-Americans and Latinos who are victimized by crime;

56 (2) Examine the impact of statutory provisions and current
57 administrative policies on racial and ethnic disparity in the criminal
58 justice system and recommend legislation to the Governor and the
59 General Assembly to reduce such disparity;

60 (3) Research and gather relevant statistical data and other
61 information concerning the impact of disparate treatment of African-
62 Americans and Latinos in the criminal justice system;

63 (4) Develop and recommend a training program for personnel in
64 agencies involved in the criminal justice system concerning the impact
65 of disparate treatment of African-Americans and Latinos;

66 (5) Research and examine the issue of the use of guidelines by courts
67 when sentencing criminal defendants and recommend whether the
68 General Assembly should create a sentencing guidelines commission
69 to establish sentencing guidelines for state courts;

70 (6) Examine the implementation of policies and procedures that are
71 consistent with policies of the American Bar Association intended to
72 ensure that death penalty cases are administered fairly and impartially
73 in accordance with due process, to minimize the risk that innocent
74 persons may be executed and to eliminate discrimination in capital
75 sentencing on the basis of the race of either the victim or the defendant;

76 (7) Annually prepare and distribute a comprehensive plan to reduce
77 racial and ethnic disparity in the criminal justice system without
78 affecting public safety;

79 (8) Develop and recommend policies and interventions to reduce
80 the number of African-Americans and Latinos in the juvenile justice

81 system;

82 (9) Analyze on an annual basis the key stages in the juvenile justice
83 system to determine if any stage disproportionately affects racial or
84 ethnic minorities including the decision to arrest a juvenile, the
85 decision to turn a juvenile over to a detention center, the decision to
86 nonjudicially dispose of the case or to file a petition of delinquency,
87 and the decision to resolve the case by placement on probation,
88 placement in a residential facility or placement at Long Lane School or
89 the Connecticut Juvenile Training School;

90 (10) Annually prepare and distribute a juvenile justice plan having
91 as its goal the reduction of the number of African-Americans and
92 Latinos in the juvenile justice system, which plan shall include the
93 development of standard risk assessment policies and a system of
94 impartial review, culturally appropriate diversion programs for
95 minority juveniles accused of nonviolent felonies, intensive in-home
96 services to families of pretrial delinquents and youth on probation,
97 school programs for juveniles being transferred from detention centers,
98 Long Lane School or the Connecticut Juvenile Training School, the
99 recruitment of minority employees to serve at all levels of the juvenile
100 justice system, the utilization of minority juvenile specialists to guide
101 minority juvenile offenders and their families through the juvenile
102 justice system, and community service options in lieu of detention for
103 juveniles arrested for nonserious offenses. Such plan shall take into
104 account best practices found in other states to effectively reduce
105 disproportionate minority confinement;

106 (11) Develop a curriculum for training of all employees at all levels
107 of the juvenile justice system on issues of cultural competency and
108 strategies to address disproportionate minority confinement;

109 (12) Perform a racial disparity impact analysis upon any proposed
110 juvenile justice legislation or agency regulation, policy or procedure;
111 and

112 [(12)] (13) Submit an annual report to the Governor and the General

113 Assembly concerning:

114 (A) The number of African-Americans and Latinos comprising the
115 pretrial and sentenced population of correctional facilities;

116 (B) The progress being made toward reducing the number of
117 African-Americans and Latinos comprising the pretrial and sentenced
118 population of correctional facilities;

119 (C) The adequacy of legal representation for indigent defendants;

120 (D) The adequacy of the number of residential and nonresidential
121 treatment slots available for African-Americans and Latinos;

122 (E) The adequacy of the number of court interpreters; and

123 (F) Such other information as the commission deems appropriate.

124 (c) The commission shall report to the General Assembly, not later
125 than January first of each year, concerning additional resources that
126 should be made available to reduce racial and ethnic disparity in the
127 criminal justice system without affecting public safety.

128 Sec. 3. (NEW) (*Effective October 1, 2002*) (a) The Judicial Branch and
129 the Department of Children and Families shall develop a sufficient
130 number of community-based programs including, but not limited to,
131 multidimensional treatment foster care, multisystemic therapy,
132 functional family therapy, comprehensive mental health services and
133 family preservation programs to ensure that no child with mental
134 health or other specialized needs shall be placed in a detention center
135 due to the lack of such community-based programs.

136 (b) When a child is arrested on a warrant or pursuant to an order to
137 take into custody, such child shall be screened by an appropriate risk
138 assessment instrument by an independent intake officer who shall
139 present such information immediately to the court to determine the
140 appropriateness of graduated sanctions or community-based programs
141 in lieu of detention.

142 Sec. 4. (NEW) (*Effective October 1, 2002*) (a) There is established a
143 Detention Center Crowding Task Force to (1) study and implement
144 practices and procedures to reduce crowding in the juvenile detention
145 centers and to reduce the failure rates of children placed in alternative
146 residential detention programs and community detention programs,
147 and (2) develop a risk assessment instrument based upon a nationally
148 recognized risk and needs assessment that takes into account the
149 actual danger the child poses to the community. The task force shall
150 meet not less than twice a year, in addition to any additional meetings
151 required pursuant to subsection (e) of this section.

152 (b) The task force shall consist of the following members:

153 (1) The Chief Court Administrator or a designee;

154 (2) The Commissioner of Children and Families or a designee;

155 (3) The Child Advocate or a designee;

156 (4) Two juvenile court judges appointed by the Chief Court
157 Administrator;

158 (5) A public defender who practices in the juvenile court appointed
159 by the Chief Court Administrator;

160 (6) A prosecutor who practices in the juvenile court appointed by
161 the Chief Court Administrator;

162 (7) A juvenile probation officer appointed by the Chief Court
163 Administrator;

164 (8) The executive director of the Court Support Services Division or
165 a designee; and

166 (9) Two representatives from community providers, one of whom
167 shall be appointed by the Commissioner of Children and Families, and
168 one of whom shall be appointed by the Child Advocate.

169 (c) All appointments pursuant to subsection (b) of this section shall

170 be made no later than thirty days after the effective date of this section.

171 (d) The Chief Court Administrator shall be the chairperson of the
172 task force, and staff from the Judicial Branch shall serve as
173 administrative staff of the task force.

174 (e) When any juvenile detention facility meets or exceeds its rated
175 capacity by ten per cent, the Chief Court Administrator shall
176 immediately convene the task force to establish a plan to address such
177 crowding. The task force may consult national centers of best practices
178 and submit a plan to reduce crowding in juvenile detention centers
179 and improve the quality of community detention and alternative
180 detention programs. The plan shall target its recommendations to
181 reduce the populations who are most difficult to place, including, but
182 not limited to, arsonists, sexual offenders, sexually reactive youth,
183 youth with low intelligence quotients and youth with severe
184 psychiatric disabilities.

185 Sec. 5. (*Effective from passage*) The Judicial Branch shall arrange for an
186 assessment by a nationally recognized professional juvenile justice
187 organization to determine whether the current planned capacity of the
188 Hartford Juvenile Detention Center and the Bridgeport Juvenile
189 Detention Center is necessary or whether the development of
190 appropriate community alternatives can more adequately serve the
191 juvenile justice population. Such assessment shall also contain
192 recommendations to determine the feasibility of alternative uses of
193 such planned detention center space.

194 Sec. 6. Section 46b-132a of the general statutes is repealed and the
195 following is substituted in lieu thereof (*Effective October 1, 2002*):

196 (a) When deemed in the best interests of a child placed in a juvenile
197 detention center, community detention center or alternative detention
198 residential program, the administrator of such detention center or
199 program may authorize, under policies promulgated by the Chief
200 Court Administrator, such medical and mental health assessment and
201 treatment and dentistry as is necessary to ensure the continued good

202 health or life of the child. The administrator of [the] such detention
 203 center or program shall make reasonable efforts to inform the child's
 204 parents or guardian prior to taking such action, and in all cases shall
 205 send notice to the parents or guardian by letter to their last-known
 206 address informing them of the actions taken and of the outcome,
 207 provided failure to notify shall not affect the validity of the
 208 authorization.

209 (b) The Judicial Department shall establish a quality assurance and
 210 monitoring system for all juvenile detention centers, community
 211 detention centers and alternative detention residential programs for
 212 the purpose of ensuring that children are provided with quality
 213 medical and mental health services. The quality of medical and mental
 214 health services provided by community detention centers and
 215 alternative detention residential programs shall be equivalent to such
 216 services provided by juvenile detention centers.

217 Sec. 7. Subsection (b) of section 20-14j of the general statutes is
 218 repealed and the following is substituted in lieu thereof (*Effective*
 219 *October 1, 2002*):

220 (b) The Chief Court Administrator shall (1) establish ongoing
 221 training programs for personnel who are to administer medications to
 222 detainees in juvenile detention centers, community detention centers
 223 and alternative detention residential programs, and (2) adopt policies
 224 to carry out the provisions of sections 20-14h and 20-14i concerning the
 225 administration of medication to detainees in juvenile detention centers,
 226 community detention centers and alternative detention residential
 227 programs.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>from passage</i>

Sec. 6	<i>October 1, 2002</i>
Sec. 7	<i>October 1, 2002</i>

JUD *Joint Favorable Subst.*

GAE *Joint Favorable*

HS *Joint Favorable*

ED *Joint Favorable*